

A.S.B.C.E.

The official Newsletter of the Alabama State Board of Chiropractic Examiners

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Presidential Message

By Carl E. Nelson, D.C.

It is hard to believe that this year is practically over (and may be by the time you read this). I would like to take this opportunity to wish you all a healthy, happy, and prosperous Holiday Season and New Year. Due to publishing deadlines, I did not expect to be able to congratulate the new Board members from districts 5 and 6 in this letter as most everyone expected there would be a run-off due to the number of candidates in each district. However, we were all surprised when each district had a clear winner on the initial balloting. The new member from district 5 is Dr. Larry Heaton from Decatur, and the new member for district 6 is Dr. Gerald Collins from Birmingham. I would like to extend my condolences; I mean congratulations, to each doctor. I look forward to serving with each of you.

For those of you who may not have heard, the Board and the entire Chiropractic profession suffered a tremendous loss on November 22 with the passing of Dr. M.G. "Gene" Lett of Glencoe, our member from district 4. Dr. Lett had a long distinguished history of service to this profession and will be greatly missed. Please keep his family in your thoughts and prayers as they adapt to this loss in their lives.

During the January meeting we will discuss and adopt the timeframe for the special election to fill the vacant position from district 4 and will notify all the doctors in that district. We will also qualify the candidates for the new Board position, which will be voted on by all the DC's in the state.

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A number of you have taken the new on-line course for the Board hours, and from the feedback we've received from the administrator of the program, some of you have had a little surprise. You cannot just go to the site, skim the material, skip to the test and be done with it. You have to log the SEAT TIME. The site keeps track of the time you log with each section, and unless you log the entire time required, you **will not** receive credit for the hours. Keep this in mind as you make your decision whether to take the hours in person or on-line. The on-line method is not a short cut; it's just an alternate way to get your hours. Also the rule was recently revised making it 2 hours per year instead of 4 hours every 2 years. The old way was confusing to everyone. New licensees however, must still have 4 hours within the first twelve months of licensure and then 2 hours each renewal period thereafter.

A recent case from California bears some commentary relative to advertising. Many of you have "given us (the Board) down the road" for our interpretations of the advertising rules. One conversation particularly comes to mind with a colleague who was interested in buying one of the "spinal decompression" units, which are the current rave. He was upset that we had ruled against some of the wording in the ads that the company disseminated with the devices

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Disciplinary Actions

Gregory B. Millar, DC (Decatur, Alabama) License # 1857 Final order– stipulation and agreement dated November 20, 2006 --assessing fines \$1,000.00 and cost of \$1,000.00– agreed not to use the term “Tennessee Valley’s Favorite Chiropractor” in any advertising of any kind.

David Parish, DC (Foley, Alabama) License # 2060 Consent order dated November 20, 2006 -- assessing fines of \$4,000.00 and cost of \$2,007.72 – suspension / probation for five years –guilty of violating Code of Alabama (1975) § 34–24–166(b)(2) engaging in unprofessional conduct by abandoning patients and / or by abandoning

treatment of his patients and failure to provide procedures by which patients could obtain their records and other information necessary for use in filing claim for reimbursement with third party payors and violating Code of Alabama (1975) §34–24–166(b)(14) incompetent practice.

Non Renewed List

Inserted in this newsletter is a list of the licensees who did not complete the renewal process by 12/31/06.

Anyone on this list who continues to practice after 1/1 is practicing without a license and the Board will take action.

No New Rules –

There are no rules to replace in your Rules and Regulations for this Quarter.

Alabama Law Website F Y I

Note: The hours required in Board law are now available on line. However, it has come to the attention of the Board some licensees have skipped to the exam without reviewing the information.

The on line system will not give you credit for the course unless you actually review the information for the correct amount of time. You cannot skip to the exam even if you pass the exam.

ELECTION RESULTS

District 5	Larry Heaton, DC
District 6	Gerald Collins, DC

New Board seat for an African American

The candidates who submitted their names will be qualified at the January meeting and you will each receive a ballot with one or more names. Ballots will have to be returned and counted the same as the District seats. The only difference is all licensees vote on the minority seat.

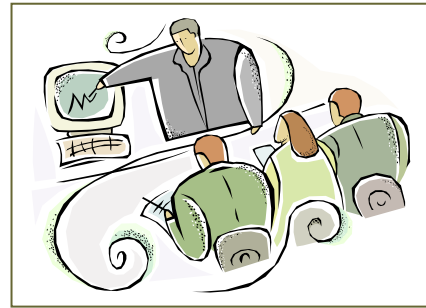
Upcoming Seminars

Palmer Institute for Professional Advancement

offers the following **ON-LINE** seminars. For information on any of these seminars contact Sharon Whitney at 1-563-884-5715.

1. "Soft Tissue Care in Chiropractic" 6 hours per session
2. "Case Studies in Chiropractic-The Thoracic Spine I" 9 hours per session
3. "Record keeping and Risk Management" 12 hours per session
4. "Special Imaging for the Chiropractic Patient" 10 hours per session
5. "Emergent Care of the Injured Individual" 12 hours per session
6. "Nutritional Issues in Chiropractic" 10 hours per session
7. "Core Concepts of Rehabilitation" 6 hours per session
8. "Case Studies in Chiropractic-The Cervical Spine I" 6 hours per session
9. "Special Populations – The Female Patient" 6 hours per session
10. "Chiropractic Care of Peripheral Neuropathies" 12 hours per session
11. "Concepts of a Team Chiropractor" 10 hours per session
12. "Professional Boundaries & Chiropractic Practice" 6 hours per session
13. "Ethical Issues in Chiropractic Practice" 6 hours per session
14. "The Preparticipation Examination" 12 hours per session
15. "The Spine in Sport" 6 hours per session

NOTE: Only 6 of the 18 hours per year may be taken on-line.



University of Bridgeport / Chiro Credit presents "Physical Diagnosis 101-119" for 19 total hours on line until August 2007. For information contact Paul Powers, DC at 1-860-463-9003.

DC Online presents "Alabama Rules and Regulations" with up to 4 hours available **On Line** through 9-30-07. For information and registration contact William Moreau, DC at 1-712-260-2507. **(This seminar provides the required hours in Alabama Law.)**

In Alabama

ASCA presents "Documentation / Risk Management" for 12 hours February 10-11, 2007 in Birmingham, Alabama. For information contact Angela Ing, DC at 1-334-262-2228.

Please see *Seminars* on page 4 for more seminars

Decompression Therapy...

Be very careful!!!

A couple of Board sources recently sent information on a California state Superior Court ruling fining a DC \$25,000 for false advertising related to the decompression therapy device he utilized.

The District Attorney's office brought forth the case based on claims the advertising materials were "misleading" "unfair" and "deceptive." The advertising referenced offering a "free report" stating "an accidental NASA discovery."

In the order, the DC admitted he was not able to "substantiate" the claims made regarding the studies used in his advertising. The court permanently enjoined the doctor (see Presidential message for more information).

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for the doctors to recruit patients. Well as it turns out, the “sources” the company quotes for their “high success rate” were not legitimate, and a California State Superior Court has fined a Chiropractor \$25,000 and permanently restrained him from “causing the dissemination of any false or **unsubstantiated** advertising regarding his decompression therapy device through any source, including newspapers, electronic or visual media, or direct mailings.” This action was not brought by their Board, but by a county District Attorney’s office. This case illustrates the need for providers to be very cautious with respect to all aspects of decompression therapy including coding, fees, marketing and compliance. As I stated in one of my previous messages, even though the purpose of our advertising rules are to protect the public from claims that are deceptive, misleading, etc., they can also protect the doctor from cases like this as well as from malpractice suits for “promising results”, etc.

I also feel the need to comment on the renewal process, which we have also caught a lot of “flack” for. We have been transitioning to “on-line renewal” for **FOUR** years now. IT’S NOT NEW, GET USED TO IT. I personally don’t like it either, but all states are going to this because of speed and economy and we’re all going to have to adapt. The Board’s staff sent two email notices and three postcards as reminders of the deadline and requirements to renew, and many of you still complained that you didn’t receive notice, and with most, if not all, of those who complained you

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Decompression from page 3

The court case shows why providers should be cautious with their advertising materials.

In 2004 the Alabama Board issued advisory opinions on several advertisements regarding decompressions therapy systems containing similar language which could be misleading and which contained studies which could not be substantiated.

The Board would have to investigate any complaints received involving similar circumstances. The Board would like licensees to be aware that engaging in similar false advertising places you at risk should a complaint be filed against you.

Seminars from page 3

ASCA presents “ASCA 2007 Annual Convention” for 18 hours on June 8–10, 2007 in Birmingham, AL. For information contact Angela Ing at 1–334–262–2228. **(This convention will include 2 hours in Board law per the requirement)**

ASCA presents “Advanced Principles of Lower Extremity Adjusting” for 12 hours August 4-5, 2007 in Huntsville, Alabama. For information contact Angela Ing, DC at 1-334-262-2228.

ASCA presents “Beach Seminar – The Changing Role of Chiropractic in Healthcare” for 6 hours September 8-9, 2007 in Pensacola, Florida. For information contact Angela Ing, DC at 1-334-262-2228.

Chiropractic Society of Alabama presents “Thompson Adjusting Technique” for 12 hours on February 17–18, 2007 in Homewood, Alabama. For information contact Louis Poe, DC at 1–205–681–1111.

Advisory Opinion Highlights

The Board reviewed 12 requests for opinion this quarter. The following are highlights from those opinions issued:

The disclaimer as outlined in Rule 190-X 5-.04 must be included in an advertisement with a complimentary initial consultation.

The disclaimer must be exactly as set out in the rules, including the separation from any other part of the advertisement. i.e. you must separate the Medicaid disclaimer entirely.

You must delete "Facility on Site" behind "Physical Therapy" because you do not employ a physical therapist.

You need to identify yourself as a chiropractor either below your name or by placing D.C. behind your name.

Specific authoritative and accepted studies associated with specific conditions listed in an advertisement should be available (in your office) should a request be made for copies.

In some opinions the Board cited changes to wording to prevent the language used from appealing to the fears of individuals, etc.

The remaining ads submitted for opinion needed no changes. Thanks again to the licensees who work hard to stay informed and produce compliant advertising.

The following question was recently posted to DC on line:

Is it proper to wear hospital scrubs in our office or in our pictures for our advertising? We are not surgeons. Does this not portray a false image of what we are and mislead the public?

Answer:

The Board does not see a problem with a DC or a CA wearing scrubs in the office or in an advertisement photograph. Also, there is no problem with a DC wearing a long white clinic jacket (Lab coat) if they so choose.

Congratulations to those licensed since September 2006

Bradley C. Adams	of Dadeville, Alabama	Thomas J. Higginbotham	of Huntsville, Alabama
Ashley S. Bourne	of Arab, Alabama	Tammy D. Moore	of Dixons Mills, Alabama
Jamie V. Bunis	of Moulton, Alabama	Chrystal Ohman	of Scottsboro, Alabama
Christa L. Curtis	of Ft. Payne, Alabama	Kimberly L. Saxon	of Feasterville, Pennsylvania
Robert B. Daniels	of Birmingham, Alabama	Robert J. Saxon	of Feasterville, Pennsylvania
Bridget A. Dixon	of Lucedale, Mississippi	Susan Staniszewski	of Pell City, Alabama
Lake P. Franklin	of Birmingham, Alabama	Wayne A. Stephens	of Huntsville, Alabama
Corey D. Gould	of Laguna Hills, California	Mazal J. Suynuv	of Marietta, Georgia
Jonathan A. Guymon	of Birmingham, Alabama	Shi Jun Zhang	of Mobile, Alabama
Matthew W. Hamby	of Rincon, Georgia		

M. G. “Doc” Lett, Board Member Condolences to the family

On the evening of November 22, 2006 “Doc” Lett passed away. Doc served as District 4 member and was in his second term on the Board. He was a past president of the ASCA and had been honored with multiple Chiropractor of the Year awards.

“Doc” was a graduate of Palmer College of Chiropractic in 1949 and received his Alabama license in 1960.

A letter will go out this month to District 4 licensees for a replacement to complete Doc’s term on the Board.

*Dr. Lett will be
greatly missed by
the Board of
Examiners and
staff.*

Presidential Message from page 4

had not notified the Board of an address change (email, snail, or both). Some of you even admitted getting the post cards, but said you “threw them away.” It is **your** responsibility to keep the Board notified of how to contact you. It’s not our responsibility to track you down. Also, you are professional people and you **know** that you have to renew your license each year and **when** it is due. Where’s the problem? You have to renew your drivers’ license every four years and they don’t send out notices anymore. There’s really no difference.

As a comparison, Georgia (where I still maintain a license) sent ONE postcard in mid-October reminding licensees of renewal by December 31st. They noted on the postcard that free internet access was available at every Georgia public library, and although there was a method by which you could request paper renewal, it was noted that processing such a renewal could take four weeks and if the process was not completed by the deadline, then your license would expire (prohibiting practicing), and you would be subject to a late fee. Also, they no longer send **any** form of newsletter, printed or electronic. It is the **doctor’s responsibility** to go to their website periodically, update their personal information, keep abreast of rule changes, etc.

Many of you don’t realize how good you have it here. We still send quarterly newsletters (which some of you don’t bother to read) making you aware of law changes, rule changes, disciplinary actions (so that others may avoid them), approved seminars in the state, warnings (such as the one previously mentioned about the decompression therapy), new licensees, etc. While we are converting this process to electronic (this is our second), we’re still printing and mailing to those who haven’t furnished us with an email address. We’ve even gone so far as to ask you **your preference** in how you’d prefer to be contacted. Most states (as noted in the Georgia example above) don’t give a toot, they just tell you how it’s going to be and you can either like it or lump it. While the Board is open to suggestions and even constructive criticism, the whining needs to cease. We’re all adults and professionals, and we all need to act that way. Our Chiropractic license is not a “right” it’s a “PRIVILEGE”. Protect it and give it the respect it deserves.

Yours in Health,

Carl E. Nelson. DC

Attorney General’s investigation

The Board received information from a licensee in October regarding a website company that had contacted them regarding an unfavorable review of their office. When the licensee went to the website, his office was listed, along with offers of discounted services, deals, coupons, etc. The licensee did not authorize the website for his office nor did he review the information before it was posted.

The Board submitted this information to the Attorney General’s Consumer Affairs Section. After their investigation of the company and its practices the Board will be notified of any resolution.



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MEETING DATES

January 12 & 13, 2007 Board meetings and hearings at the Clanton Board office.

March 2 & 3, 2007 Board meetings and hearings at the Clanton Board office.

June 8 – 10, 2007 Board meetings at the ASCA Convention in Birmingham Alabama.

Please visit the Secretary of State website for exact meeting information.

About the Board

Carl E. Nelson, DC, President, Member District 2

Gilles X. Beaumont, DC, Vice – President, Member District 1

Jerry L. Schreiner, DC Secretary / Treasurer, Member District 7

Larry H. Heaton, DC, Member District 5

Gerald J. Collins, DC, Member District 6

VACANT, Member District 4

Brian Wells, DC, Member District 3

Jeanette Greene, Consumer Member

James S. Ward, Esquire Board Attorney

Paula Gilliam, DC, Preceptor Director

BULK RATE PERMIT NO. 14 CLANTON
